

de Moya & Associates, P.C.
Attorney for the Debtor
163 South Main Street
New City, NY 10956
T: 845-639-4600
F: 845-639-4610
Email: desiree@demoyalaw.com

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

In Re:

Christine A. Flynn,

Debtor

-----X

Return Date: June 19, 2019
Time: 10:00 A.M.
Before: Hon. Robert D. Drain
Case#: 19-22852-rdd
Chapter 7

NOTICE OF MOTION

SIRS,

PLEASE TAKE NOTICE, that upon the attached application dated May 23, 2019 and upon all documents heretofore filed, the undersigned will move this Court, to be held at the United States Bankruptcy Court, Southern District of New York, Court Room TBD at 300 Quarropas Street, White Plains, NY 10601 **on June 19, 2019 at 10:00 A.M.** of that day, or as soon thereafter as counsel can be heard for a (1) Motion to Convert Chapter 7 to Chapter 13 pursuant to 11 U.S.C. § 706 (2) such other and further relief as this Court deems appropriate.

PLEASE TAKE FURTHER NOTICE, that appearances are not required unless objections are timely filed.

PLEASE TAKE FURTHER NOTICE, that answering papers must be filed with the Court and Counsel for the Debtor at least three (3) days prior to the Court date.

Dated: New City, New York
May 23, 2019

s/s Ivon Susana Anaya, Esq.
Ivon Susana Anaya, Esq.
de Moya & Associates, P.C.
Attorney for the Debtor
163 South Main Street
New City, NY 10956

de Moya & Associates, P.C.
Attorney for the Debtor
163 South Main Street
New City, NY 10956
T: 845-639-4600
F: 845-639-4610
Email: desiree@demoyalaw.com

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X

In Re:

Christine A. Flynn,

Debtor

-----X

Pursuant to U.S.C. § 706, the above-named Debtor requests that this Court enter an Order converting this case under Chapter 7 to a case under Chapter 13 of Bankruptcy Code (title 11 of the United States Code), on the grounds set forth below:

Return Date: June 19, 2019
Time: 10:00 A.M.
Before: Hon. Robert D. Drain
Case#: 19-22852-rdd
Chapter 7

1. On April 22, 2019, the Debtor, Christine A. Flynn, retained the legal services of de Moya and Associates, PC to represent her in a Bankruptcy proceeding.
2. Pursuant to a Judgement of Foreclosure and Sale, on April 24, 2019, at 9:30 A.M., an auction was scheduled for the Debtor's primary residence located at 3 North Williams Street, New City, NY 10956;
3. Due to the rush in filing this Bankruptcy Petition, the undersigned Counselor overlooked the Debtor's household income and inadvertently indicated lesser income.
4. Before filing the Petition, the undersigned Counselor met with the Debtor to review and sign the Petition; but as indicated above, due to the rush in filing caused by the imminent sale of the Debtor's house, the household income was inaccurately listed on the Schedule I of the Petition.
5. Additionally, it was discovered after the Chapter 7 was filed that the Debtor had previously filed a Chapter 7 and had received a discharge on June 23, 2014. Based on the above, the Debtor does not qualify for a Chapter 7 Bankruptcy.

6. In a good faith effort to retain her residence, the Debtor wishes to convert this case to a Chapter 13 and prays that the Court allows her the opportunity to apply for the Loss Mitigation Program, as her priority is keeping a shelter for herself and her family.
7. The Debtor has not accrued substantial unsecured debt. Therefore, if a loan modification is offered, she is likely able to comply with the terms.
8. The Debtor's property value is approximately \$400,000.00. The outstanding mortgage is \$299,472.78. Hence, there is substantial equity in the property.

WHEREFORE, the Debtor respectfully requests that this Court enter an Order converting this case under Chapter 7 to a case under Chapter 13 of Bankruptcy Code.

Dated: New City, New York
May 23, 2019

s/s Ivon Susana Anaya, Esq.
Ivon Susana Anaya, Esq.
de Moya & Associates, P.C.
Attorney for the Debtor
163 South Main Street
New City, NY 10956